

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

60th Legislative Day

December 1, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Pastor John Standard, Springfield Bible Church, Springfield, Illinois. Pastor Standard.

PASTOR JOHN STANDARD:

(Prayer by Pastor John Standard)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Tuesday, November 30th, in the year 1999, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 1 to Senate Joint Resolution 41 Be Adopted; and Senate Amendment 1 to House Bill 567 Tabled by the sponsor.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that

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the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 2773, with Senate Amendments 2, 3 and 5.

Nonconcurrent in by the House, November 30th, 1999.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1285, offered by Senator Halvorson.

(Secretary reads title of bill)

Senate Bill 1286 is presented by Senator Shadid.

(Secretary reads title of bill)

And Senate Bill 1287, offered by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Senator Karpriel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. I would like to make an announcement. Originally, there had been an -- an ALEC dinner meeting scheduled for this evening, and I want everyone to know that it has been cancelled because we weren't sure we were going to be in tomorrow. And we -- we will reschedule it for January or February. So, it has been cancelled. Please don't show up for the dinner meeting for ALEC, 'cause it won't be there.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you rise?

SENATOR W. JONES:

Mr. President, a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR W. JONES:

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I'd like to introduce some people from DuPage County, Mr. President.

PRESIDENT PHILIP:

Well, God bless you.

SENATOR W. JONES:

Senator Karpiel and I would like to welcome, in the President's Gallery, from Bartlett, Illinois, Lana Smiley, and her children: Cody, Shavonna and Austin.

PRESIDENT PHILIP:

If they'd please rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, for what purpose do you rise?

SENATOR R. MADIGAN:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR R. MADIGAN:

Thank you, Madam President. Visiting with us on the Floor today is a member of the Morton City Council. I'd like you to welcome, if you would, Alderman Jeff Kaufman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized? Wave your hand, sir. Welcome to the Illinois Senate. We're going to the Order of Motions in Writing, Override Total Vetoes, on page 9. Top of page

9. Okay. On page 9 of the Calendar is the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Watson, on House Bill 1261. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move that House Bill 1261 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. This particular motion and this particular piece of legislation impacts Section 515 housing and the method by which they are assessed property taxes. The Governor vetoed this -- this particular bill thinking that there was a similar piece of legislation that had similar language, and he vetoed this thinking the other bill took care of it. Well, that really wasn't the case, so he has no problem with what we're doing here today in overriding his veto. And this simply says that the property tax assessment being done at the local level on Section 515 housing will codify the current

practice by which they are being assessed now, and that will be primarily on income. Now, we've had some discussion with Senator Lauzen, and he is concerned about the -- reading into the record something that we feel is in the bill, but we want to read it in for his -- his concern. And that would be that the net operating income does not include interest payments for finance charges. I know of no opposition to the legislation and would obviously ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson has moved that House Bill 1261 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Is there any discussion? The question is, shall House Bill 1261 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 1261, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 1325 is a motion -- is -- on -- is a

motion in writing to override the Governor -- total veto of the Governor. Senator Robert Madigan, on House Bill 1325. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move that House Bill 1325 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 1325 requires the Department of Human Services to give the Members of the General Assembly a quarterly report on deflections, admissions, discharges, bed closures, staff-resident ratios, and the average length of stay in State facilities. The House -- or, the Governor in his -- decided to veto this bill. There's a 105 votes in support of the override in the House. Amongst the groups supporting it, in addition to AFSCME, are the Advocates United for the Alliance of the Mentally Ill of Greater Chicago, the Coalition of Community and State Facility Advocates, the Howe Association for Retarded Citizens, the Illinois League of Advocates for the Developmentally Disabled, and the Mental Health Association of Illinois. We're just merely asking that the Department provide each of us a quarterly report on what's going on in the State-operated facilities. They provide a monthly report to the Governor's Office, and I think it's only fair that the Members of the General Assembly have a quarterly report as well. I would move to pass House Bill 1325, the veto of the Governor notwithstanding.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan has moved that House Bill 1325 do pass, the veto of the Governor to the contrary notwithstanding. Is there

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any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1321 {sic} pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. House Bill 1325, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

Personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point, sir.

SENATOR LAUZEN:

Thank you, Madam President. On House Bill 1261, I would like the record to reflect that I intended to vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR GEO-KARIS:

I'm delighted to have three of my constituents here today - two are serving as Pages. And this is Richard Charts, C-H-A-R-T-S, and Amelia Charts. Richard's a senior at Carmel High School in Mundelein; Amelia is a -- is a sophomore at Libertyville High School Butler School. And in the audience, up in the President's Gallery, is their mother, Denise Charts. C-H-A-R-T-S. We're delighted to have them visit us today, and they're learning

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all -- all about our government from the Senate. So let us...

PRESIDING OFFICER: (SENATOR DONAHUE)

Will Mrs. Charts please rise in the gallery to be recognized? And welcome, to each of you. Welcome to the Illinois Senate. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Well, I -- I also -- like to have personal privilege to introduce some Pages I have today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point, sir.

SENATOR KLEMM:

We have some people assisting me from Long Grove. There are three Pages. Edward, Peter and R. J. Villa, from Long Grove. They're here today looking at the actions of the Senate. Also, their uncle, Juan Morales, and their grandfather, is up in the gallery. And if they would stand, we'd like to acknowledge their presence. And thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all please rise to be recognized by the Illinois Senate? Welcome to Springfield. Senator Jacobs, on House Bill 1723. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move that House Bill 1723 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1723 provides an exemption from the Act of local governments that have less than thirty-five employees at the time the Petition for Certification or Representation is filed

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with the Board. Specifies that exemption does not apply to units of local government who have collective bargaining units certified by the Board but subsequently fall under thirty-five employees. This passed out of the Senate 58 to nothing. The Governor, however, argues that smaller units of government have been exempt from the many requirements of State labor law, including collective bargaining, due to smaller units of government's limited resources and need for administrative flexibility. I think the Governor has missed the point on this a little bit, because those cities under thirty-five still are exempt. It's only those that are over thirty-five and then go below the number thirty-five, and I ask for an Aye vote. Answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs has moved that House Bill 1723 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you. I guess maybe we ought to slow this down a little bit, because I think maybe when this passed in the spring, some of us weren't really listening or didn't really know what we were voting on. My units of local government, obviously coming

from a rural area, are quite concerned about this. And I think the Governor is right in his veto, and I would support the Governor in his efforts here. The small communities in which I represent do not want another mandate by which they'll have to operate, and this is something that was -- is significant in regard to the way in which local communities will be able to function. So I -- I agree totally with the Governor and ask as many Members as possible to -- to put up a red or -- or Present light. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion?
Senator Jacobs, to close.

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SENATOR JACOBS:

Well, first of all, just to -- to set the record straight, those communities that have less than thirty-five are not affected by this. The genesis of this was the fact that there were some communities that had thirty-five employees, which would allow them to unionize, and the city administration laid off people to put 'em below that thirty-five. The intent of this bill is to make sure that doesn't happen. If they're below thirty-five, they're still not eligible to have a union, so your municipalities and the

smaller communities would not be affected. And I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1723 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 17 Nays, and 4 voting Present. And the motion fails. We'll continue on down the -- page 9 to Motions in Writing to Accept the Specific Recommendations for Change. Senator Hawkinson, on House Bill 421. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendation of the Governor as to House Bill 421, in manner and form as follows:

Amendment to House Bill 421

in Acceptance of Governor's Recommendations

Motion filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I move to accept the Governor's changes to House Bill 421. House Bill 421 is a bill that deals

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with establishing the amount of child support, and it was introduced originally, supported by the Bar Association, for those very few cases of seasonal employment and others where the court feels that it's virtually impossible to identify a dollar amount in specifics and instead wanted to apply a percentage amount. The Governor felt that -- that that approach might cause some difficulty for the Department of Public Aid's child support enforcement program, and so he has changed the bill by providing that in those limited instances where there needs to be a percentage order, that there will also have to be a fixed, specific dollar amount floor. The House has accepted these changes, and I move that we accept the Governor's changes to House Bill 421.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson has moved House Bill 421, to accept the specific recommendations of the Governor. Is there any discussion? Any discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 421, in the manner and form just stated by Senator Hawkinson. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 421, having received the required constitutional majority vote of the Senators elected, is declared accepted. Senator Demuzio, for what purpose

do you rise?

SENATOR DEMUZIO:

Thank you, Madam President. Let me -- I have an announcement. Let me apologize for interrupting the procedure, but this is a very important announcement. For those of us that can't go to California or to Hollywood, we are fortunate to have our own

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Hollywood here. And I thought that perhaps while he's on the Floor, which you never know when he gets here and you never know when he's going to leave, that this would be the appropriate time to break into the proceedings because our own "Hollywood" Senator Hendon has a birthday. I just told his staff - they said he was -- he was forty-something - if he didn't get out on the Floor in time, I was going to say he was fifty-something. I really don't know how old he is. We want to wish him a happy birthday and indicate that there's a cake over there that we could all partake of. And thank goodness, Hollywood Hendon, we were prepared to eat the cake with or without you. But, anyway, happy birthday.

PRESIDING OFFICER: (SENATOR DONAHUE)

Happy birthday, Senator Hendon. Senator Fawell, on House Bill 427. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 427, in manner and form as follows:

Amendment to House Bill 427

in Acceptance of Governor's Recommendations

Motion filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much, Madam President. This is the assisted living bill. There were three recommendations given by the Governor. First, it grants the Governor the authority to appoint the advisory committee members, rather than the director of the individual agency, which has no significant effect. The second prohibits an employee of a home health agency from providing services to residents residing in an assisted living or shared housing establishment that has common ownership with the agency. And third, delays the rulemaking authority and appointment of the

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advisory committee until January 1st, 2001, so that the rules can be made up in order for the bill to be enforced. I agree with the

Governor on these points. This is not my last bill, but... In spite of what my seatmate says. And I would appreciate an Aye vote. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell has moved to accept the specific recommendations of the Governor as to House Bill 427. Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. I also rise in support of this legislation. This is an excellent piece of legislation that passed out of here almost unanimously last spring. The Governor's recommendations just wanted to make it perfectly clear that we were not in competition with those nursing homes that are out here which do receive Medicaid dollars. I think they were good recommendations. He has defined this clearly, what the intent was when we passed the legislation. And I just would like everyone to vote in the positive for this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Parker.

SENATOR PARKER:

I just wanted to rise and commend, again - and I think we all should commend - Senator Fawell on this bill. It is one of her last, even though it's not her last, and she spent five years working on this. It's excellent. It will provide a -- a social-type environment for seniors, and I think we should congratulate her on her work.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. I merely voice the sentiments of our two -- predecessors here, speaking on behalf of this legislation. I want to compliment our -- Senator Fawell in her thinking, in her persistence, and I want her to know that I wholeheartedly supported her when she went to bat with this legislation. And I know that we're all going to give her a one hundred percent vote. Thank you, and God bless you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator -- Senator Fawell, to close.

SENATOR FAWELL:

Thank you for all your kind remarks. Now, please vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 427, in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have

all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 427, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Dudycz, on House Bill 526. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 526, in manner and form as follows:

Amendment to House Bill 526

in Acceptance of Governor's Recommendations

Motion filed by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

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SENATOR DUDYCZ:

Thank you, Madam President. House Bill 526, as passed by the Senate by a vote of 58 {sic} (56) to nothing, and the House of 115 to nothing, prohibited the illegal cloning of pagers and cell phones. The Governor, believing that this bill would inadvertently eliminate the Department of Correction's employees

to use electronic equipment to locate and trace the illegal use of cell phones and pagers which have been smuggled into correctional facilities, amendatorily vetoed it. He recommends that the bill be amended to allow correctional employees to use such devices under -- certain circumstances. And I would seek your affirmative support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 526, in the manner and form just stated by Senator Dudycz. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 526, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Obama, on House Bill 721. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 721, in manner and form as follows:

Amendment to House Bill 721

in Acceptance of Governor's Recommendations

Motion filed by Senator Obama.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

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SENATOR OBAMA:

Thank you very much. The original bill dealt with specific mental -- definitions for specific mental health services under the Health Care Surrogate Act. The Governor's recommendation makes clear that the Act does not grant a court-appointed guardian any additional authority to consent to specific mental health services than is allowed by the Mental Health and Developmental Disabilities Code. The House accepted the amendatory veto by a vote of 118 to nothing. I would ask for a similar vote here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 721, in the manner and form just stated by Senator Obama. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 721, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Luechtefeld, on House Bill 1366. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

as to House Bill 1366, in manner and form as follows:

Amendment to House Bill 1366

in Acceptance of Governor's Recommendations

Motion filed by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President, Members of the Senate. House Bill 1366 originally amends the Municipal Code relative to joining

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joint water supplies and waterworks systems. In the original bill, there were three qualifications. A municipality must meet one of those three. The Governor, in his amendatory veto, recommended that -- that they meet all three of those qualifications. I would accept his recommendations and hope we can get a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1366, in the manner and form just stated by Senator Luechtefeld. Those in favor will vote Aye.

Opposed, Nay. And the voting's open. Have all voted who wish?
Have all voted who wish? Have all voted who wish? Take the
record. On that question, there are 58 Ayes, no Nays, none voting
Present. The specific recommendations of the Governor as to House
Bill 1366, having received the required constitutional majority
vote of the Senators elected, are declared accepted. Senator
Maitland, on House Bill 1383. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor
as to House Bill 1383, in manner and form as follows:

Amendment to House Bill 1383

in Acceptance of Governor's Recommendations

Motion filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President. I have moved to accept
the changes in -- in House Bill 1383, and the Governor, I think,
made some excellent suggestions. First of all, there was some
concern that perhaps Chicago might not -- or, might be included in
the bill, and -- and his -- his amendatory language does make it

clear that Chicago is exempt. They already have a dollar twenty-five surcharge in the City, so they are -- they are exempt. The second change that the Governor made I think is a good one as well, and that is to say that the board that is -- that is picked to make the recommendation as to what this surcharge would be will be required to publish the proposed surcharge in the Illinois Register; they will be required to hold hearings on the surcharge and the requirements for an efficient wireless emergency number system; and, number three, to elicit public comment on the proposed fee. I think this is good changes and they ought to be accepted by the Senate. I want to also add here this morning that just last week - and you've heard something about this, I think - an FCC ruling issued on November 18th stipulates that the FCC will no longer require states who have the enhanced 9-1-1 system to provide a mechanism for local telephone companies to generate revenue. The local side is still a part of the rule, but I wanted to make that perfectly clear, that that rule - it is not yet in effect, but it may be -- it may be an order. So I -- I would make that suggestion. Therefore, Madam President, I would move that we accept the changes to the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland has moved to accept the specific recommendations of the Governor as to House Bill 1383. Is there any discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Could I have a -- ask a question of the sponsor?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Maitland, I read somewhere that the -- the FCC ruling also said that the State didn't have to reimburse telephone

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companies for starting up the service or continuing the service. Is that true? Or is -- was there more to that FCC ruling that -- that said that the twenty-five cents per month of this tax doesn't have to be collected to reimburse the -- the corporations?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

The answer is yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

So we're going to have a situation where we have a seventy-five-cent-a-month tax on our telephone bill, on our cellular phone bill. Twenty-five cents a month of that tax is going to go back to Cellular One or -- or one of these other

corporations, and we're going to bear the brunt of that. I remember you were here a few years ago when we added ten cents a month to the telephone bill, and we were inundated with constituent calls about how we're spending ten cents a month of their money to help out poor people have access to the telephones. So it just seems to me that, you know -- I supported the ten cents for the -- the poor people, but I don't support twenty-five cents for the -- the corporations. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

Could you describe -- I understand that the twenty-five cents is supposed to go back to the telephone companies to put together

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this system and provide the information or the -- the -- this service. Can you put a little meat around where the twenty-five cents -- I am also worried about the perception of twenty-five

cents going to -- back to phone companies. But isn't that supposed to go back for a specific purpose, and can you outline what those purposes are?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Yeah. I -- we've got to be clear here. And, Senator Welch, to you, as well. The fee, first of all, will be up to seventy-five percent {sic}. That's the statutory limit. It is likely that the board, plus going through the hearing process, will recommend a much lower fee than seventy-five cents. It is a one-third/two-thirds ratio. The portion that goes to the local telephone service, who provides the cellular system, it -- it provides them with additional revenue over a five-year period - there's a five-year sunset here - to purchase the enhanced 9-1-1 system. It is very expensive. It is a safety issue. You may recall that down here last spring your sheriffs and your police chiefs were here and -- and worked very hard on this bill. So, I don't want to mislead anyone. This is not -- it's only a max of seventy-five cents. It may only be a nickel to the local service. Whatever the board, after going through the hearing process, chooses to put on the company.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

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Thank you. Senator Maitland, in Chicago, would this be an additional twenty-five cents to the tax we already pay?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator Hendon, as I indicated in my opening remarks, Chicago is exempt from this bill because, as you know, you already pay a dollar twenty-five cents in the City, and the Governor was concerned that it might be -- that the language was ambiguous enough that it might include the City of Chicago. This bill does not include the City of Chicago.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, Senator Maitland, to close.

SENATOR MAITLAND:

Thank -- thank you very much, Madam President. This bill passed overwhelmingly in the House and the Senate last spring and has once again passed the House. This truly, folks, is a -- is a safety issue. 9-1-1 is becoming a greater portion of the 9-1-1 -- cellular is becoming a greater portion of the 9-1-1 systems. It

is expensive to operate. I think this is a logical -- we've worked hard on this bill for two or three years. I think it's the right approach, and I would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1383, in the manner and form just stated by Senator Maitland. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 11 Nays, and 3 voting Present. The specific recommendations of the Governor as to House Bill 1383, having

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received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Rauschenberger, on House Bill 1388. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1388, in manner and form as follows:

Amendment to House Bill 1388

in Acceptance of Governor's Recommendations

Motion filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. This is an amendatory veto, requested by the State Police, dealing with a new requirement that State employees have to have and maintain proof of insurance when they're driving a State vehicle on non-State official business. It's, as far as I know, agreed to by everybody. I'd appreciate favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1388, in the manner and form just stated by Senator Rauschenberger. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1388, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Fawell, on House Bill 1676. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

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as to House Bill 1676, in manner and form as follows:

Amendment to House Bill 1676

in Acceptance of Governor's Recommendations

Motion filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This -- this is my last bill. House Bill 1676 amends the Motor Carrier Safety Law within the Vehicle Code. It provides that a railroad steamship line or vehicle equipment leasing companies may not offer a trailer for interchange to a truck driver if the trailer fails to meet the motor carrier safety regulations. Due to the fact that the federal government is considering enacting rules similar to the requirements of this bill, the Governor added a provision to the bill that clarifies that the federal rules do take precedent {sic}. He also delayed the effective date from January 1st, 2000, to July 1st, 2000, to allow the truckers and the railroads and the steamship companies to push for federal action and to continue to work towards an agreement regarding who is ultimately responsible for the safety defects of these trailers. What's happening at clearing is that these steamship lines, particularly, own these trailers. The last thing that these foreign companies are interested in is whether we have safe trailers on the road or not,

and therefore we are saying to the steamship lines: When you hand this equipment out, you darn well better make sure that it's -- it's good equipment on the roads so we don't have anymore tragedies, similar to the one that happened in Wisconsin where a piece of the equipment actually broke off and caused the death of those five children. I'll be glad to answer any questions, and I request your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Senator Fawell, is it my understanding that if this motion fails, that you will remain in the Senate?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

How are you going to vote? No, I don't think so.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, I -- I would just like to encourage my colleagues to vote overwhelmingly in support of this fine piece of legislation presented by Senator Fawell and -- and say thanks, Bev.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1676, in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, and none voting Present. The specific recommendations of the Governor as to House Bill 1676, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Cronin, on House Bill 1762. Madam Secretary, read the motion.

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ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1762, in manner and form as follows:

Amendment to House Bill 1762

in Acceptance of Governor's Recommendations

Motion filed by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1762 passed here last spring, amending the Alcoholism and Other Drug Abuse (and) Dependency Act. At that time, the bill clarified that an offender electing TASC will be sentenced to probation. TASC is a treatment alternative. The Governor, in his -- in his amendatory veto, wants to ensure that the discretion of the sentencing judge under current law is maintained and that the judge can still sentence an offender to imprisonment if deemed appropriate. I ask for your consideration in support of this amendatory veto. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this amendatory veto, in any way, expand the category of persons who are eligible for TASC-deferred prosecution?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

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No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1762, in the manner and form just stated by Senator Cronin. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1762, having received the required constitutional majority vote of the Senators elected, are declared accepted. Senator Weaver, on House Bill 1766. Madam Secretary, read the bill -- or, read the motion.

ACTING SECRETARY HAWKER:

I motion -- pardon me. I move to accept the specific recommendations of the Governor as to House Bill 1766, in manner

and form as follows:

Amendment to House Bill 1766

in Acceptance of Governor's Recommendations

Motion filed by Senator Weaver.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This amendatory veto merely subjects these grant funds to the appropriation process, and I'd move that we accept the recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1766, in the manner and form just stated by Senator Weaver. Those in favor will vote Aye. Opposed,

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Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1766, having received the required constitutional majority vote of

those Senators elected, are declared accepted. Senator Petka, on House Bill 1816. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1816, in manner and form as follows:

Amendment to House Bill 1816

in Acceptance of Governor's Recommendations

Motion filed by Senator Petka.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. House Bill 1816, as it passed the Senate in the spring, amended the Illinois School Student Records Act to allow school students' records to be disseminated to a SHOCAP program, which is an acronym for Serious Habitual Offender Comprehensive Action Program, for the purpose of identifying serious habitual offenders and matching these offenders with available community resources. However, the way that the legislation was drafted, after it was analyzed by the Governor's Office, it appeared that it -- it may be in conflict with existing federal law which dealt with the -- the Family Educational and Privacy (Rights) Act. As a result, the -- the Governor suggested language which would -- as it is inserted into this bill, would basically place this in compliance with the intent of the federal Act and would not cut off federal funding, which was one of the concerns of the Governor's Office. I believe that the changes accomplish exactly what the Governor

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wishes to accomplish without compromising the underlying bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1816, in the manner and form just stated by Senator Petka. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1816, having received the required constitutional majority vote of those Senators elected, are accepted. Senator Syverson, on House Bill 1832. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

I -- I move to accept the specific recommendations of the Governor as to House Bill 1832, in manner and form as follows:

Amendment to House Bill 1832

in Acceptance of Governor's Recommendations

Motion filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. The only change in this legislation that the Governor made was changing the effective date. This was the legislation that allows Medicaid to cover for the prescription drugs for tobacco cessation products. Be happy to answer any questions; otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1832, in the manner and form just

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stated by Senator Syverson. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 1832, having received the required constitutional majority of Senators elected, is declared accepted. Senator Trotter, on House Bill 2005. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2005, in manner and form as follows:

Amendment to House Bill 2005

in Acceptance of Governor's Recommendations

Filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President and Members of the Senate. In the spring, we passed 2005 out of this Chamber, and we attempted, at that time, to do two things, and that was to address the residency requirement for those individuals who are running for alderman in the City of Chicago and, secondly, we wanted to address the problem of when they are supposed to be sworn in, in that they had two different dates based on we're having a runoff, for those who ran in the original election, in the general election, who won and was sworn in at a different time from those who won the election during the runoff. What the Governor recommended in his Message was that the residency requirement had already been addressed in the legislation and he deleted that language, and what he has left is the dates in which the aldermen are to be sworn in. And I do accept that recommendation and ask everyone for a favorable roll call.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2005, in the manner and form just stated by Senator Trotter. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 2005, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Walsh, Larry Walsh, for what purpose do you seek recognition?

SENATOR L. WALSH:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR L. WALSH:

Members of the Senate, we have with us today six freshmen and sophomore students from the Kankakee Community College in my district, and their counselor, Valerie Duff. They are in the President's Gallery. I would like to have them welcomed to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be welcomed? Welcome to the Illinois Senate. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to State Government Operations Committee - Senate Amendment No. 1 {sic} (3) to House Bill 2148.

PRESIDING OFFICER: (SENATOR DONAHUE)

We are now going to go to the Order of House Bills 3rd

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Reading, at the top of page 2. On the Order of House Bills 3rd Reading is House Bill 539. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 539.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. House Bill 539 represents the agreement that has been worked out with the lawn irrigation contractors and the plumbers. As you remember, last year we passed a stopgap measure that took us to the end of the year, which gave us time to work with both sides on the -- the lawn

irrigation problems that have been -- arose last year because of a court ruling. This agreement has been worked out. I know of no opposition. Be happy to answer any questions; otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. As the esteemed sponsor said, we were able to work out the language on this bill and now it is acceptable to the Members of the committee on the Democratic side of the aisle, and I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. I just rise in strong support of this fine piece of legislation. Senator Syverson has worked diligently to improve it, and I'd like to commend him for his efforts.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. Just a clarification, I guess. In my -- in my community, I've got a local golf course - nine-hole golf course. We hire a greenskeeper. A guy comes out, does all the work. Now, are we going to be required to hire a plumber to install any -- or, come in and turn valves and do all the things that plumbers do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Under this legislation, your -- your example, your golf course would continue to act as it does. If they're going to undertake a major change which would involve a major overhaul, including the size of the golf course, including major changes in the layouts, then there would have to be oversight from a plumber. But in your case, any servicing of existing golf courses, any changing of -- of heads, any maintenance, would all continue as it currently has been.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

What happens if we do nothing, if this bill does not pass?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

If this does not pass, then your golf course would have to have a plumber do everything.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 539 pass. Those in favor will vote

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Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 539, having received the required constitutional three-fifths majority, is declared passed. Now we are going to the Order of House Bills 2nd Reading, also on page 2. Senator O'Malley, on House Bill 567. Out of the record. Senator Peterson, on House Bill 1120. Madam Secretary, read the bill -- or, have there been any Floor amendments approved -- read the bill. Sorry.

ACTING SECRETARY HAWKER:

House Bill 1120.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. On the next bill, on House Bill 1124, the sponsorship of this legislation has been changed from Senator Clayborne to Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1124.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government -- no. No committee -- pardon me. I'm sorry. No committee or Floor -- or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1202. Senator Rauschenberger. Madam

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Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1202.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. ...Members' information, we are going to go to the bottom of page 6, Secretary's Desk, Resolutions. Senator Radogno, you will be first up with Senate Resolution 223. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 223, offered by Senator Radogno.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. In the spring, we created a Solid Waste Tipping Fee Surcharge Task Force to explore how that fee is distributed, and it was to -- due to report back on December 31st of this year. We've been slow starting this, and so this would just seek to change that effective date until the year 2000. And I would be happy to answer questions and ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, Senator Radogno moves the adoption of Senate Resolution 223. Those in favor will vote Aye. Opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the resolution is adopted. Senator Watson, on Senate Joint Resolution 41. Madam Secretary, read the resolution.

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ACTING SECRETARY HAWKER:

Senate Joint Resolution 41, offered by Senator Watson.

There are no committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, on Amendment No. 1.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amendment is the sum and substance of the -- the bill, or the resolution, and it deals with the issue of mandate waivers. As all of you know, we have a law that permits local school districts to waive certain portions of the Code administratively and otherwise in the -- in -- in the interest of -- of local control. Sometimes, we assert ourselves and say, "No, you can't waive a certain portion of the Code", and in this case, we have asserted ourselves on a number of different items and they are as follows: Number one, in the area of appeals of determination, we denied a waiver request from Fremont School District 79 and Woodland School District 50 regarding charter

schools. Secondly, in the area of mandate waivers, we denied substitute certificate waiver requests from Schaumburg School District 54, Palatine School District 211 and Rock Island School District 41. Finally, in the area of mandate waivers with respect to compilation of average daily attendance, we denied a waiver request from Collinsville School District 10. We had extensive hearing, listened to the debate and discussion carefully, had good interaction and questions posed by both sides, and the resolution -- the amendment to this resolution was passed unanimously out of

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committee. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Now Senate Joint Resolution 41. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 41, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Senator Cronin just explained the amendment, which now is the resolution. And I don't believe there was any concern or objection. I'd ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I thought that I would just call to your attention some of the unusual procedures that are followed here. I'm going to vote Yes on this resolution, but I think the way we got to it ought to be reevaluated and we ought to take a more careful look at some of these things. And let me tell you what I'm talking about. We have passed, first, several years ago, a charter school legislation that allowed local school districts to create charter schools. And we did that on the basis that as many of us say, campaign after campaign after campaign, that the small "d"

democratic process of electing our local school boards creates the most responsive localized elective body to make decisions regarding our children and our schools. And we created the charter school bill with the -- the authority in the local school board to authorize charter schools. And I voted for that bill, because I thought that charter schools may be able to bring something new to the educational community. Then a bill was passed a couple of years after that that said if the local school board turns down a charter school request, the charter school people can appeal that to the State Board of Education. Now, I did not support that bill. Why? Because what we are saying is that a locally elected school board can be overruled by a Springfield school board that's appointed, that may not know anything about the local school's concerns, problems, evaluations, et cetera. And we gave, by the passage of that bill, authority to the State Board, that I respect in -- in many ways, but I don't think that the State Board of Education understands your communities and your schools as well as your locally elected school board members. But that's the bill that passed. On top of it, we now have, in this bill, a process where two of the school districts that didn't want charter schools but were overruled by the State Board so they're now going to have charter schools, they said they want to waive the requirements of the State Board - the State Board - taking local money and using local dollars to -- to pay for a school that they did not want but the State Board wanted. And in this resolution, we're saying, "No, local board, you can't waive that requirement." I'm taking you through this process because I don't think that this is

consistent with our advocacy, election after election, press release after press release, that gives such sanctity and credit to our locally elected school boards. I don't think it makes sense. I don't think that it's fair, and I certainly don't think it's consistent with the speeches that we all make regarding local

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control. This is the hypocrisy, the epitome of nonlocal control. I'm going to vote for it because this is the process that we've created, and in order to move the charter school forward, I don't want these school districts to get involved in what will be tens of thousands of dollars of litigation over our errors. And it is our errors in allowing this process to exist. So I just suggest and I say it very lightly, because I won't have to sit down and solve this with you anymore, but I suggest this to you very respectfully, that we ought to take a second look at this. It is the epitome of nonlocal control when we go through this whole process. Let's find out -- find a better way to fund our charter schools, and if it's going to be State determination, let's call it that. Let's not go through this silliness of saying that it's going to be locally determined and then we hog-tie them, don't allow them to challenge any of these processes, et cetera. Thank

you for your attention. This may be -- no, it won't be. Tomorrow you'll hear another speech from me. But thank you for your attention.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President. A question to the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Bomke.

SENATOR BOMKE:

Senator Watson, is -- can you tell me if the Illinois Education Association is supporting Joint Resolution 41?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes, I was thanked by their lobbyist here for all the work that we did in our committee, the good work that we did. So I

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would assume that the Illinois Education Association does support it, and I am assured of that by our committee Chairman, Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion?
Seeing none, Senator Watson, to close.

SENATOR WATSON:

We're going to miss Senator Berman. No, we -- the only thing that he didn't say that -- that I always like it when he does, is the word "outrageous". I don't know if you've ever noticed that, but when he gets up and he talks and he says -- when he says, "outrageous". Just something about it, the way you say it, Art, that just... Anyway. I do appreciate the fact you're going to support this. I think you did mention that in your remarks and, obviously, maybe we need to take another look at what we've done, and we appreciate you bringing that to our attention. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson moves the adoption of Senate Joint Resolution 41. Those in favor will vote Aye. Those opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. And the resolution is adopted. Senator Watson, on Senate Joint Resolution 46. Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 46, offered by Senator Watson.
There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. We passed a piece of legislation this last spring that created a task force on school

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violence, House Bill 878, and the reporting date for that particular task force is December 31st, 1999. Unfortunately, not the problem of ours, both of our Leaders appointed Members but some people did not and, therefore, the task force really didn't get off the ground. We feel it's important, obviously, that we continue the -- the work and the concern we have for school violence, and so this extends that reporting date to July 1st of 2000 and it also asks -- adds some additional members to the task force in consideration, primarily, for the Attorney General.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, all those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the resolution, Senate Joint Resolution 46, is adopted. We will be going to the top of page 7, under Secretary's Desk, Concurrence, on Senate Bill 1144. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their

Amendment No. 1 to Senate Bill 1144.

Motion filed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sullivan yields to Senator O'Malley. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Ladies and Gentlemen of the Senate, Senator Sullivan has been good enough to lateral this concurrence motion to me concerning Senate Bill 1144. We'll all recall, I believe, that last spring we worked on a bill entitled Senate Bill 35. Myself and Senator Berman were the sponsors of that legislation, and what it does is allow the Cook County

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Assessor to administratively review and -- and pass certain certificates of error and expands their ability to do what they've been doing in their office on a much more limited basis previously, and now it's expanded. Under this law, there is a time limit of three years to correct an error in an assessment. In the process of implementing Senate Bill 35, the Assessor's Office discovered several certificates that had been properly filed but not processed before the three-year deadline; therefore,

these refunds cannot be awarded and, frankly, not due to any fault of the taxpayer. This amendment allows the Assessor's Office to issue certificates of error during calendar years 1999 and 2000 that were properly filed for any tax year, provided that the error was discovered no more than three years after the date on which the annual judgment and order of sale for the tax year was entered. In committee yesterday, it was brought up that there were a number of parcels that were affected, or maybe as a better way to say, there was an inquiry as to how many parcels were affected. We were told, in our analysis, that it was twenty-four parcels. The Assessor's Office has been good enough to provide me with a list of the properties. There are, in fact, eight properties. Whether they represent twenty-four parcels or not, I don't know. I'd be happy to read the addresses into the record, if that was important to anybody. I can tell you, I have no personal interest in any of these properties, but be happy to answer any questions any Members may have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not - this is final action -- Senator O'Malley, you wish to close, sir?

SENATOR O'MALLEY:

Just would appreciate the support of the Chamber.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall the Senate concur in House Amendment

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No. 1 to Senate Bill 1144. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 1144 -- the Senate does concur in House Amendments -- No. 1 to Senate Bill 1144. And the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, just to bring you up to date. We have only two or three more items to deal with this morning. We're going to stand at ease just for a moment or two, so please -- please stay with us in the Chamber for a few more minutes.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, let's come back to order, please. If I might, I'd like to recognize a gentleman in the back of the Chamber. President Rock. Former President of the Senate, Senator Philip Rock, welcome. Nice -- nice to have you here, Phil. All right. Senator Lauzen. Senator Lauzen has an introduction he'd like to make. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. We're bringing out the Class 6A Football Champions from last weekend. You know, for all of us who played in turkey bowls on Thanksgiving morning, I've got a special treat for you this morning. British General Lord Wellington, who defeated Napoleon at Waterloo, later in his life reminisced about what led to final victory over Napoleon, and he said the Battle of Waterloo was won earlier on the playing fields at Eton. And he was referring to the character that's built through competition in

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high school and college amateur athletics. I'd like to share with you another example of excellence in our Illinois schools, and this time from the City of Naperville. Last weekend, the Naperville Central football team won the Class 6A State High School Football Championship. And I'd like to introduce to you the players, coaches and principal of the school. First of all, Head Coach Joe Bunge. Joe? Joe? Okay. Assistant Coach John Urban, and then the team captains are Ryan Clifford, who is the Chicago Sun-Times player of the year, David Hildebrand, Gerald Clark and Scott Urban. I'd like to congratulate... Finally, I would like to present a Senate Recognition certificate to the team and the players and wish them well, and I appreciate your

recognition of their efforts.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen. Thank you, Senator Lauzen. On Supplemental Calendar No. 1, Secretary's Desk, Non-concurrence, is House Bill 2773. Senator Syverson. Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. On House Bill 2773, I'd like to refuse to recede and ask for a conference committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson moves that the Senate refuse to recede from the adoption of Senate Amendments No. 1 to House Bill -- I'm sorry, from Senate Amendment No. 2, 3 and 5 to House Bill 2773. Those -- and that a -- a committee of conference be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Is there any further business to come before the Senate? We have, Ladies and Gentlemen, effectively concluded our substantive work for today. The Senate will stand in recess for the purpose of receiving Messages from the House, and the Senate will convene tomorrow at 9 a.m., on Thursday, December 3rd. Any further

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business -- 2nd. I'm sorry. My notes are wrong. December 2nd.
I'm sorry. Is there any further business to come before the
Senate? If not, the Senate will stand in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate will come to order. Are there any Messages?
Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that
the House of Representatives has concurred with the Senate in the
passage of a bill of the following title, to wit:

Senate Bill 877, with House Amendments 1 and 3.
Passed the House, as amended, December 1st, 1999.

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that
the House of Representatives has concurred with the Senate in the
adoption of the following joint resolution, to wit:

Senate Joint Resolution 45, with House Amendment No.
1.

Adopted by the House, December 1st, 1999.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the
following Legislative Measures have been assigned: Refer to the

Committee on State Government Operations - the Motion to Concur
with House Amendments 1 and 3 to Senate Bill 877; and Be Approved
for Consideration - Motion to Concur with House Amendment 1 to

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Senate Joint Resolution 45.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Pursuant to the earlier announcement by the Chair, the Senate
will stand adjourned until 9 o'clock tomorrow morning, on the --
December the 2nd. Any further business to come before the house?
Hearing none, the Senate stands adjourned.

